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November 30, 2007

**VIA HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
District of Delaware  
844 King Street  
Wilmington, Delaware 19801

**Re: Joseph Birch v. E. I. du Pont de Nemours and Company, Inc.,**  
**C.A. No. 05-799-JJF**

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Dear Judge Farnan:

I write on behalf of the defendant in this action, E. I. du Pont de Nemours and Company (“DuPont”) to request the Court’s guidance regarding the summary judgment deadline in this case. Currently pending before the Court is DuPont’s Renewed Motion to Dismiss based upon Plaintiff’s continued failure to respond to written discovery, appear for his deposition, or otherwise prosecute this action. (D.I. 27) Pursuant to the Court’s September 21, 2007 Order, however, case dispositive motions are due December 4, 2007.

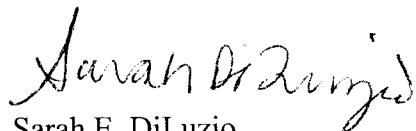
In light of the outstanding Motion to Dismiss, DuPont does not feel that it is appropriate to move for summary judgment at this time. If the Court grants DuPont’s Motion to Dismiss, the issue is moot. If, on the other hand, the Court determines that it is appropriate to extend Plaintiff additional time to respond to discovery, the current case dispositive motion date will also need to be extended. Should this case proceed, DuPont has every intention of filing a motion for summary judgment on the merits. In the interim, however, it would seem to be a waste of time and resources, and a burden on the Court’s docket, for DuPont to prepare and file a motion for summary judgment when no discovery material has exchanged hands.

Accordingly, subject to the Court’s direction, DuPont does not intend to file a case dispositive motion at this time, but respectfully reserves its right to do so if, in the future, discovery is completed.

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Counsel for DuPont are available at the Court's convenience should Your Honor have any questions.

Respectfully,



Sarah E. DiLuzio  
(Delaware Bar I.D. 4085)

cc: Clerk of the Court (Electronic filing via CM/ECF)  
Joseph Birch (via U.S. mail)

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